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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,095	02/02/2004	Carole Jego Stora	59037US002	9275
32692	7590	09/21/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			PENG, KUO LIANG	
PO BOX 33427			ART UNIT	PAPER NUMBER
ST. PAUL, MN 55133-3427			1712	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/770,095	<b>Applicant(s)</b> STORA, CAROLE JEGO	
	<b>Examiner</b> Kuo-Liang Peng	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/5/05 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/05, 7/5/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Applicants' amendment filed on July 4, 2005 was received. Claims 1, 23 are deleted. Claims 2, 4, 6, 8, 24-25, 27 and 29 are amended. Now, Claims 2-22 and 24-30 are pending.
2. Claim rejection(s) under 35 USC 102 in the previous Office Action (Paper No. 0405) is/are moot.
3. The indicated allowability of Claims 2-3 and 24-28 is withdrawn in view of the reference(s) to De Ridder (EP 971369) in the new information disclosure statement. Rejections based on the newly cited reference(s) follow.
4. The following Office action is based on the term "microsphere filler" being defined in the specification wherein the microsphere filler has a soft skin. (page 9, lines 17-18)

### ***Specification***

5. The disclosure is objected to because of the following informalities:

Art Unit: 1712

As mentioned in previous Office action (Paper No. 0405), Applicant should specify the US Patent Application for the attorney docket no. 58898US003 in the first paragraph of the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-7, 14-19 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usami (US 5 099 088) in view of De Ridder (EP 971369).

The following column and line numbers referring to De Ridder are based on its US equivalent (US 6 194 476).

For Claims 2-3, 6-7, 14-17, 19 and 24-28, Usami teaches a method of sealing a sealable device/enclosable container (i.e., a splicing apparatus) utilizing a flexible sealant comprising a silicone gel. Note that Usami's sealable

Art Unit: 1712

device/enclosable container has features that read on those of sealable device/enclosable container in the present invention. (col. 1, lines 5-19, col. 2, lines 19-34, col. 2, line 56 to col. 3, line 40, Figures and Examples) Usami is silent on the use of a silicone gel containing microsphere fillers. However, De Ridder teaches the use of a silicone gel containing a hollow compressible filler for an electrically insulation seal. The motivation of using this silicone gel is to effectively fill the hollow body that the silicone gel composition intended to fill in. (Abstract, col. 1, lines 3-7, col. 1, line 40 to col. 2, line 32, col. 2, line 54 to col. 5, line 8, col. 5, line 32 to col. 6, line 6 and Examples) For Claims 4-5, 18 and 29, De Ridder further teaches that it is desirable to adjust the crosslinking density in order to afford physical properties of the silicone gel. The crosslinking density can be modified by using an excess of siloxane polymer reactive groups as compared to organosilicon crosslinker reactive groups. An organosilicon crosslinker reactive group/siloxane polymer reactive group ratio can be as low as 0.5/1. (col. 1, line 60 to col. 2, line 32) Note that the excess siloxane polymer reads on the organopolysiloxane of the instant claims. Since the siloxane polymer contains only two reactive groups and the organosilicon crosslinker contains at least three reactive groups (col. 2, line 66 to col. 3, line 52) and the organosilicon crosslinker has a much lower molecular weight than the siloxane polymer as exemplified in

Art Unit: 1712

Examples, the amounts of excess siloxane polymer, the siloxane polymer to be react with the organosilicon crosslinker and the organosilicon crosslinker reads on those set forth in the instant claims as exemplified in Examples. De Ridder further teaches a platinum catalyst. (col. 4, lines 1-12 and Examples)

8. Claims 8-13, 20-22 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usami in view of De Ridder as applied to Claims 2-7, 14-19 and 24-29 above, and further in view of Matsumoto (JP 63-280766).

Usami in view of De Ridder is silent on the use of a silica. However, De Ridder teaches the use of a filler, etc. (col. 5, lines 4-8) Furthermore, Usami teaches that the silicone composition can be exemplified in Matsumoto (col. 3, lines 23-40). Matsumoto teaches the use of silica in the silicone composition. The motivation is to adjust the properties of the composition. (page 6, lower left column) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate silica in the composition of Usami in view of De Ridder in an amount through routine experimentation in order to obtain a composition with desired properties. Especially, Applicants do not show the criticality of the silica amount. See MPEP 2144.05 (II). The English

Art Unit: 1712

translation of Matsumoto has been requested by Examiner. It will be available later upon request.


7. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on July 5, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is

Art Unit: 1712

(571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
September 15, 2005

  
Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712